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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,724	06/18/2001	Kurato Maeno	KAN 134	7966

23995 7590 05/13/2004

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EXAMINER

CHOOBIN, BARRY

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/881,724

Applicant(s)

MAENO

Examiner

Barry Choobin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1 and 6 recite the limitation "the form" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the second image means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the second image means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 4-8, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota et al (US RE38, 236) in view of Hobson et al (US 6,633,653).

As to claim 1, Kubota et al disclose an image transmission device transmitting: a first coded-image data with a first image coded (column 3, lines 21-34); and a second coded-image data with a coded second image (column 3, lines 21-34), which is displayed over the first image and changes the form in the case of the first coded-image data tampered with.

Kubota et al does not disclose expressly tamper detection.

Hobson et al discloses a tamper detection method for digital images including providing a digitally watermarked image.

Kubota et al and Hobson et al are combinable because they are from same field of digital image processing.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to provide the tamper detection of Hobson et al for increasing confidence of use of digital images used in Kubota et al.

The suggestion or motivation for doing so would have been in order to increase confidence of use of digital images as evidence, possibly in a court of law, there is a significant need to demonstrate that an image has not been tampered with (column 1, lines 8-10 of Hobson et al).

Therefore, it would have been obvious to combine Hobson et al with Kubota et al to obtain the invention as specified in claim 1.

As to claim 4, Hobson et al disclose an image transmission device according to claim 1 (see claim 1) wherein the second image means marks, stamps, or signs which are used to ensure that the coded-image data of the first image are not tampered with (column 2, lines 9-15).

As to claims 5, 8 and 12, Kubota et al disclose a storage medium wherein the program for realizing a function of image transmission device according to claim 1 is stored (Fig.2, 18).

As to claim 6, Kubota et al disclose an image display device displaying in piles (Fig.5, output): a first image, which is achieved by decoding the first coded-image data (see claim 1 and column 2, lines 19-28); and a second image, which is achieved by decoding the second coded-image data (see claim 1 and column 2, lines 19-28) and changes the form in the case of the first coded-image data tampered with (see claim 1).

As to claim 7, Kubota et al disclose an image display device according to claim 6 (see claim 6) wherein the first image data And the second image data are acquired by receiving from the outside (column 1, lines 30-51).

As to claim 13, Kubota et al disclose an image transmission/reception system comprising an image transmission

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device according to claim 1 and an image display device according to claim 6,  
between which the first image and the second image are transmitted/received  
(title of the invention reads on this claim).

***Allowable Subject Matter***

4. Claims 2-3 and 9-11 would be allowable if rewritten to overcome the  
rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action  
and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to  
applicant's disclosure.

US 5898779 to Squilla et al.

US 5940513 to Aucsmith et al.

US 6357004 to davis.

US 6005936 to Shimizu et al.

US 2003/0011684 to Narayanaswami et al.

US 6266680 to Song et al.

US 6188997 to Ratzenberger et al.

US 2002/0012445 to Perry.

US 4261018 to Knowlton.

US 6040825 to Yamamoto et al.

US 2004/0022444 to Rhoads.

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**CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Barry Choobin  
May 5, 2004



**BHAVESH M. MEHTA  
SUPERVISORY PATENT EXAMINER  
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